

Stone Pelting & The Art of Critical Analysis

S. Saajid Amin Bhat

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“Just like a crab”

“Just like a crab, sir”

Opening my eyes I found my face placed on Imam Muslim’s Sahih with my finger book-marking a particular hadith in its Kitab-ul-Imarah. It was 02:15 am and I had found what I was searching for in the book; a hadith reference. But what was that familiar voice? Was I dreaming? At that point an old story flashed back to my mind.

Earlier this month I had received few e-mails from one of my acquaintance, living abroad, as a rebuttal to the use of a hadith from Sahih Al-Bukhari, Kitab-ul-Adab by a Kashmiri scholar in a Friday Sermon. In the words of the sender the mail was basically for feedback, comments and further distribution. I didn’t actually distribute it further but I discussed it with a number of people and *alhamdu lillah* I was not disappointed; a good number of Kashmiris still reason on plausible terms. I refrained myself from indulging in commenting on the rebuttal until I dreamt about the story I used to tell my students. It was actually a fisherman’s experience Charles Allen wrote about in *The Miracle of Love*.

“One doesn’t need a cover for a crab basket. If one of the crabs starts climbing up the side of the basket, the other will reach up and pull it back down.”

There is a sign in it, dear students. Be like crabs for the one who tries to transgress the norms of decency, logic and good conduct, I would say.

The voice “Just like a crab, sir” came like a command to do what I used to preach.

The Issue:

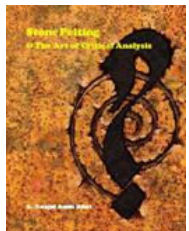
The use of the following hadith in a particular context of stone pelting by Kashmiri youth.

Narrated `Abdullah bin Mughaffal Al-Muzani: The Prophet forbade the throwing of stones (with the thumb and the index or middle finger), and said "It neither hunts a game nor kills (or hurts) an enemy, but it gouges out an eye or breaks a tooth."

١٢٢ - باب النَّهْيِ عَنِ الْخَذْفِ
٦٢٢٠ - حَدَّثَنَا آدَمُ، حَدَّثَنَا شُعْبَةُ، عَنْ
قَعَادَةَ قَالَ : سَمِعْتُ عُقْبَةَ بْنَ صُهَيْبَانَ
الْأَزْدِيَّ يُحَدِّثُ عَنْ عَبْدِ اللَّهِ بْنِ مُغَفَّلٍ
الْمُزْنِيِّ قَالَ: نَهَى النَّبِيُّ ﷺ عَنِ الْخَذْفِ،
وَقَالَ: ((إِنَّهُ لَا يَقْتُلُ الصَّيْدَ وَلَا يَنْكُأُ
الْعَدُوَّ، وَإِنَّهُ يَفْقَأُ الْعَيْنَ وَيَكْسِرُ السِّنَّ)).

Method & result of analysis by my acquaintance:

- Personal attack, using poetic verses, on the scholar who used the above quoted hadith in his Friday Sermon.



- Palestine religious leader's slogan as a justification for the practice of stone pelting.
- A somewhat serious analysis by Dr Syed Inayatullah Andrabi in his write-up titled *Maulana Showkat Ahmed Shah Owes an Apology to all the Muslims*,

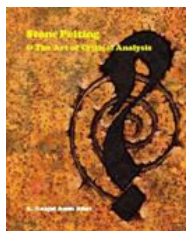
He says;

- “In this brief write up I intend to raise some points of fundamental nature with wider significance, obviously with reference to the cited hadith, but not focussing on the hadith as such.”
 - “My first point is that the hadith has been taken so much out of the context...”
 - “My second point is more important and goes beyond the particular case... It relates to our general understanding of the ‘deen’,... The cardinal principle that applies here is that everything is good and permissible, unless made unlawful by Allah and/or His Messenger (SAAW).” Then about stone pelting he says, “...since it is not forbidden, so it is lawful.”
 - “...the act of Kashmiri youth hurling stones at Indian forces in 2009 is certainly not forbidden, simply because such practices did not exist during the time of the beloved Prophet(SAAW).”
 - “The effectiveness or otherwise of people resorting to stone pelting, also can be critically looked at,... All such things are decided on the basis of strategic efficacy.”
- An analysis of the hadith under discussion by Dr Muhammad Al-Massa'ari.

He says;

- “The phrase "throwing of stones (with the thumb and the index or middle finger)" is not a very lucky translation of the Arabic word "Khathf" (الْخَنْفُ)”
- “The Hadeeth relates to hunting game. The objective is to kill the game speedily with minimum pain, which is normally not achieved by "Khathf"...”
- “...Moulana Showkat Ahmad Shah should know, from his Usul-ul-Fiqh education, that this means that the prohibition of "Khathf" (الْخَنْفُ) is not absolute or general: there are restrictions and specialisation.”

The three write ups being sent to me, in my view, do not qualify as belonging to any category of serious religious criticism. My first reaction to such empty rhetoric has always been of avoidance. Even now my basic purpose is not to refute these write ups but to explain a proper way of critical analysis. Religious criticism is a very sensitive issue in view of the fact that a critic often remains oblivious to the fact that he has actually crossed the thin line demarcating criticism and disparage.



Disparage & the Critical Analysis:

I leave the point of tacit, poetic personal attack and slogans out of this discussion quoting only a hadith in response;

One who says something abusive about a person, while that person does not have it in his character, will be detained in hell fire until he establishes a proof for what he had said. – Tabrani

The claim that "...such practices did not exist during the time of the beloved Prophet(SAAW)." is unfounded. In fact stone pelting in practice existed in almost every sense of the word in Arab culture of Prophet's time. Be it to wade off the cattle from ones garden or to harass ones supposed enemy. Prophet (may peace be upon him) used to remember the incident of Taif as one of the hardest moments of his life. Sharing a lighter moment with one of my friends once,

I jokingly said that the practice of *stone pelting is a sunnah*.

A sunnah?, he exclaimed with a smile on his face.

Yes, I said, **a sunnah of the people of Taif.**

The Context:

I remember one of my discussions with a non-muslim friend of mine on a hadith, he quoted from a newspaper, that Prophet (may peace be upon him) has said "*Paradise lies in the shadow of swords*". While refuting his gibberish conclusions I told him that this is not a proper way of quoting someone. I could remember this hadith from Sahih Bukhari but didn't remember the context at that time. It took me another day to be amazed by what I found. The hadith is quoted by Imam Bukhari, Imam Muslim and Imam Abu Dawood. All of them have collected it in their Book of Jihad under the context "**Do not wish to face the enemy (in a battle)**". I request you to read it from the cited books and see for yourself how important it is to stick to the context.

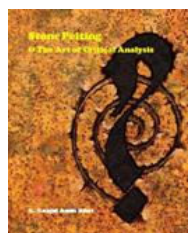
Coming back to the hadith regarding the practice of stone pelting it is claimed that it is being quoted out of context and it is actually about the practice of hunting. Let us analyse;

A hadith related to a particular practical application of the principle established in this hadith is collected by Imam Bukhari in the Book of Hunting and Slaughter from a different chain of narrators.

Narrated By 'Abdullah bin Maghaffal: *That he saw a man throwing stones with two fingers (at something) and said to him, "Do not throw stones, for Allah's Apostle has forbidden throwing stones, or he used to dislike it." 'Abdullah added: Throwing stones will neither hunt the game, nor kill (or hurt) an enemy, but it may break a tooth or gouge out an eye." Afterwards 'Abdullah once again saw the man throwing stones. He said to him, "I tell you that Allah's Apostle has forbidden or disliked the throwing the stones (in such a way), yet you are throwing stones! I shall not talk to you for such-and such a period."*

Sahih Bukhari actually has two separate books which deal with the practice of hunting,

- i. Book of Penalty of hunting while on pilgrimage &
- ii. Book of Hunting and Slaughter.



Still Imam Bukhari chooses to collect this hadith in the Book of Good Manners. So the logical conclusion ought to be that (as Imam Bukhari has collected this hadith in the book dealing with the principles of civilized behaviour under the label that Prophet (peace be upon him) forbade the practice of throwing stones at a game or an enemy saying, “It neither hunts a game nor kills (or hurts) an enemy, but it gouges out an eye or breaks a tooth.”) **the uncivilized practice of stone pelting is forbidden as it serves no purpose.**

The First Principle & the Catchphrase Analysis:

Dr Syed Inayatullah Andrabi writes “My second point is more important and goes beyond the particular case... It relates to our general understanding of the ‘deen’,... The cardinal principle that applies here is that everything is good and permissible, unless made unlawful by Allah and/or His Messenger (SAAW).” Then about stone pelting he says, “...since it is not forbidden, so it is lawful.”.

In principle I have no issues with this point. *The Basic Asl Refers to the Permissibility of Things* is actually the first principle any jurist would learn at any islamic school. But I suggest something I term as *Catchphrase Analysis* while applying this principle.

The scholars of Islam have derived this principle of the natural usability and permissibility of things from the clear verses of the Qur'an.

For example, Allah says:

It is He who created all that is in the earth for you.... (2:29)

He has subjected to you, from Himself, all that is in the heavens and all that is on the earth.... (45:13)

*Do you not see that Allah has subjected to you whatever is in the heavens and what is on earth, and has showered upon you **His favors**, both apparent and unseen? (31:20)*

In this regard the Prophet (peace be on him) said:

*What Allah has made lawful in His Book is halal and what He has forbidden is haram, and that concerning which He is silent is allowed as **His favor**. So accept from Allah His favor, for Allah is not forgetful of anything. He then recited, "And thy Lord is not forgetful." (19:64)*

(Reported by al-Hakim, classified as *sahih*)

*"The halal is that which Allah has made lawful in His Book and the haram is that which He has forbidden, and that concerning which He is silent He has permitted **as a favor** to you."*

(Reported by al-Tirmidhi and Ibn Majah.)

*Allah has prescribed certain obligations for you, so do not neglect them; He has defined certain limits, so do not transgress them; He has prohibited certain things, so do not do them; and He has kept silent concerning other things **out of mercy for you** and not because of forgetfulness, so do not ask questions concerning them. (Reported by al-Darqutni and classified as *hasan* (good) by al-Nawawi.)*



The emphasis added in the above verses and ahadith are what I term as *Catchphrase*.

For example;

Narrated Jabir: The Prophet forbade the drinking of alcoholic drinks prepared from **raisins, dates, unripe dates and fresh ripe dates**. (Sahih Bukhari, Book of Drinks)

Narrated Ibn `Umar: I heard `Umar while he was on the pulpit of the Prophet saying, "Now then O people! The revelation about the prohibition of alcoholic drinks was revealed; and alcoholic drinks are extracted from five things: **Grapes, dates, honey, wheat and barley**. *And the alcoholic drink is that which confuses and stupefies the mind.*" (Sahih Bukhari, Book of Drinks)

What if we prepare a new alcoholic drink from a fruit not covered in Quran or ahadith, would it be permissible to drink it? The definite answer to this question is a big NO as we understand the meaning of such ahadith from their *Catchphrase* that the prohibition is not because it is made from such and such a fruit but it is because of its intoxicating effect. So my argument is that the general permissibility of all the things not covered in the *nas* is subjected to its being favourable and a symbol of mercy from God on us. I believe this is what even Dr Syed Inayatullah Andrabi believes in this regard when he says "The effectiveness or otherwise of people resorting to stone pelting, also can be critically looked at,... All such things are decided on the basis of strategic efficacy." What he calls strategic efficacy in political terms is what I term as favorability and God's mercy in religious terms. Apart from that there is also the concept of abomination in our Fiqh and we are instructed to refrain from abominable things.

Our experience here in Kashmir and all over the world shows us that such practices are always counterproductive and harmful thus making the act under discussion a forbidden one.

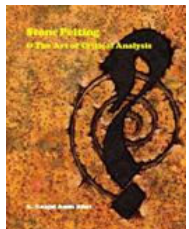
Lost in translation:

Coming to Dr Muhammad Al-Massa'ari's comment that

"The phrase 'throwing of stones (with the thumb and the index or middle finger)' is not a very lucky translation of the Arabic word 'Khathf' (الخذف), which means throwing small-sized stones (throwable with the thumb and the index and/or middle finger) ... There is also a verb: Khathafa meaning: throwing with chickpeas sized stones".

I would say that his translation is lucky but his analysis is not. The problem is that he is trying to limit a word where it needs to be augmented. As pointed out earlier, Sahih Bukhari has a separate book and a chapter within it where he has collected a similar hadith from a different chain of narrators. To define the wider meaning of the word "Kadhaf" used in the hadith, he has used the word "Bunduqah" along with the word "Kadhaf". Bunduqah is used for a big size nut.

I am also surprised by the use of the following hadith by him as an argument for the issue under discussion.



He writes:

“There is also another Hadeeth in both Saheehs (Bukhari and Muslim): narrated Abu Hurairah that he heard the Messenger of Allah (SAW) saying: [If some one looks in your house, without your permission, and you do "Khathf" (Khathaftahu) with a stone plucking or gouging out his eye, there would not be any blame (or liability) on you].

Thus Moulana Showkat Ahmad Shah should know, from his Usul-ul-Fiqh education, that this means that the prohibition of "Khathf" (الخطف) is not absolute or general: there are restrictions and specialisation.”

All the students of hadith understand the very basic rule of the science of hadith that not everything being said as a “Hukam” is to be taken at its face value. Not only in Arabic but in every other language we tend to speak in terms of “Hukam” when we want to stress upon something and often our subject is not the one to whom we are actually talking to. So, in the above hadith the message is that one should not peep into private places without permission and the stress shows that it is an highly abhorrent act.

I remember my reaction to a particular hadith when I was young;

Sahih Muslim, Chapter 9: It is forbidden to peep into the house of another person.

Bk 25, Number 5366:

“Sahl b. Sa'd as-Sa'id reported that a person peeped through the hole of the door of Allah's Messenger (may peace be upon him), and at that time Allah's Messenger (may peace be upon him) had with him a scratching instrument with which he had been scratching his head. When Allah's Messenger (may peace be upon him) saw him. he said: ***If I were to know that you had been peeping through the door, I would have thrust that into your eyes***, and Allah's Messenger (may peace be upon him) said: Permission is needed as a protection against glance.”

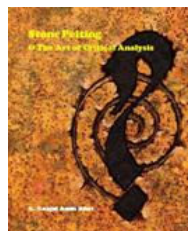
My reaction was that it does not sound like the Prophet of Quran;

“Verily, there has come unto you a Messenger from among yourselves. It grieves him that you should receive any injury or difficulty. He is eager for you; for the believers (he is) full of pity, kind, and merciful.” Surah Tawbah (9:128)

But with time I developed the basic understanding of language and learned the art of criticism.

One of the basic rules of proper criticism is to ponder upon the headings. In this case the heading is **“It is forbidden to peep into the house of another person”** but Dr Muhammad Al-Massa'ari's approach towards the hadith has changed it to “It is allowed to pluck and gouge out the eye of a peeper”

May God help us to elevate our level of thought!



Quran and Hadith:

As I said in the beginning ... I found my face placed on Imam Muslim's Sahih with my finger book-marking a particular hadith in its Kitab-ul-Imarah. It was 02:15 am and I had found what I was searching for in the book; a hadith reference. That hadith came to my mind when I reached the 123rd verse of the Surah An'am which says

**Thus have We placed leaders in every town,
Its wicked men, to plot (and burrow) therein:
But they only plot against their own souls,
and they perceive it not .**

وَكَذَلِكَ جَعَلْنَا فِي كُلِّ قَرْيَةٍ أَكْبَرًا
مُجْرِمِينَهَا لِيَمْكُرُوا فِيهَا
وَمَا يَمْكُرُونَ إِلَّا بِأَنْفُسِهِمْ وَمَا يَشْعُرُونَ ﴿١٢٣﴾

And the words of the hadith, I was searching for, are,

The worst leader is the one who crushes the people.

(Sahih Muslim, Kitab ul Imarah)

We have been discussing the Sahih Bukhari, Kitab ul Adab,
let me conclude this discourse on a hadith from the very same book.

Narrated Abu Mas'ud: The Prophet said,

'One of the sayings of the early Prophets

which the people have got is:

If you don't feel ashamed then do whatever you like.

٧٨- باب إِذَا لَمْ تَسْتَخْ فَاصْنَعْ مَا

شِئْتَ.

٦١٢٠- حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ، حَدَّثَنَا

زُهَيْرٌ، حَدَّثَنَا مَنْصُورٌ، عَنْ رَبِيعِ بْنِ

جِرَاحٍ، حَدَّثَنَا أَبُو مَسْعُودٍ قَالَ: قَالَ

النَّبِيُّ ﷺ: ((إِنْ مِمَّا أَذْرَكَ النَّاسُ مِنْ

كَلَامِ النَّبِيِّ الْأَوَّلَى إِذَا لَمْ تَسْتَخْ فَاصْنَعْ

مَا شِئْتَ)). [راجع: ٣٤٨٣]

15th of April, 2009

03:00 am

